



Montgomery County, Maryland

COUNTY COUNCIL AGENDA

COUNCIL HEARING ROOM, 100 MARYLAND AVENUE, ROCKVILLE, MARYLAND 20850
240/777-7900 • TTY 240/777-7914 • FAX 240/777-7989 • www.co.mo.md.us/council

The Council Agenda is subject to change any time after printing or during the Council meeting. Please contact the Council Office to obtain current information.

This meeting will be televised live on Channel 6; repeated on 4/5/02 at 8 pm and 4/6/02 at 9 am

Tuesday, April 2, 2002

8:30-9:30 **Meeting** with County Attorney (6th floor Council Conference Room)

9:45 **INVOCATION** - Imam Faizul R. Khan, Islamic Society of the Washington Area

9:50 **GENERAL BUSINESS**

A. **Announcement** - Agenda and Calendar Changes

(Lauer)

B. **Action** - Approval of Minutes: March 11, 2002

(Edgar)

(1) 9:55 **CONSENT CALENDAR**

A. **Action** - Resolution to Support the Clean Smokestack Act of 2001

(Nisenoff)

B. **Action** - Resolution to advertise proposed General Fund property tax rate for purposes of complying with state law regarding the Constant Yield Tax Rate (CYTR)(Sherer)
Public Hearing on the CYTR is scheduled for 4/23/02 at 7:30 pm.

C. **Action** - Extension of Temporary Fire and Rescue Commission Executive Regulation No. 22-00T Code of Ethics and On-Duty Personal Conduct

(Davidson)

D. **Action** - Confirmation of County Executive appointments to the Commission on Juvenile Justice: Francha T. Davis; Kathleen L. Carmody; Devin J. Doolan, Jr.; Fred S. Evans; Malcom Logan; John C. Monahan; C. Jonathan Scriven

(Ferber)

10:00 **LEGISLATIVE SESSION Day #11**

A. Approval of Legislative Journal - March 12 and March 19, 2002

(Edgar)

B. Introduction of Bills

(2) • **Emergency Bill 09-02**, Residential Program for Victims of Domestic Violence, sponsored by Councilmember Andrews

(Cogan)

Public Hearing is scheduled for 4/18/02 at 7:30 pm.

10:00 B. Introduction of Bills:

- (3) • **Bill 10-02**, Special Capital Improvements Project - Detention Center Reuse, sponsored by Council President at request of County Executive (McMillan)
Public Hearing is scheduled for 4/30/02 at 7:30 pm.
- (4) • **Bill 11-02**, Special Capital Improvements Project - Silver Spring Fire Station 1 Replacement/Police Substation, sponsored by Council President at request of County Executive (Davidson)
Public Hearing is scheduled for 4/30/02 at 7:30 pm.
- (5) • **Bill 12-02**, Special Capital Improvements Project - Montrose Parkway West, sponsored by Council President at request of County Executive (Orlin)
Public Hearing is scheduled for 4/30/02 at 7:30 pm.
- (6) • **Bill 13-02**, Special Capital Improvements Project - Germantown Library, sponsored by Council President at request of County Executive (Davidson)
Public Hearing is scheduled for 4/30/02 at 7:30 pm.
- (7) • **Bill 14-02**, Special Capital Improvements Project - Damascus Community Recreation Center, sponsored by Council President at request of County Executive (Sherer)
Public Hearing is scheduled for 4/30/02 at 7:30 pm.
- C. Call of Bills for Final Reading
- (8) • **Bill 42-01**, Air Quality Control - Revisions (Cogan)
T&E Committee recommends approval with amendments.
- (9) • **Emergency Bill 2-02**, Transfer Tax - Exemptions (Cogan)
MFP Committee recommends approval with amendments.
- (10) • **Emergency Bill 27-00**, Department of Information Technology - Reorganization (Cogan)
MFP Committee recommends approval with amendments.

11:00 **DISTRICT COUNCIL SESSION**

- (11) A. **Action** - Resolution to establish public hearing on May 7, 2002 at 7:30 p.m. for the Amendment to the Master Plan for Historic Preservation: Olney-Sandy Spring-Goshen Area Historic resources (Arthur)
- (12) B. **Action** - Consideration of Hearing Examiner's Report and Recommendation of Local Map Amendment: (Wilson)
Application No: G-794
Applicant: Wayne Lockwood (William Kominers, Attorney)
Request: Reclassification from RE-2 Zone to LDRC Zone
Property: Part of Snowden's Manor, located north of Norbeck Road between Georgia Avenue and Layhill Road, Olney (24.484 acres; 8th Election District)
Recommendations: Planning Staff: Approve
Planning Board: Approve
Hearing Examiner: Approve
- (13) C. **Action** - ZTA Amendment 01-11, Permitted Uses in CBD (Wilson)
PHED Committee recommends approval.

11:00 **DISTRICT COUNCIL SESSION** (continued)

- (14) D. **Action** - Zoning Text Amendment 02-01, Private Education Institutions - Special Exceptions for summer day camps, tutoring and college entrance preparatory courses, art education programs, artistic performances, and indoor and outdoor recreation programs (Wilson)
PHED Committee recommends approval with amendments.

12:30 **RECESS**

- (15) 1:30 **PUBLIC HEARING** on Department of Permitting Services - Sunset - Repeal: (Faden)
- Emergency Bill 4-02;
- Zoning Text Amendment 02-02;
- Subdivision Regulation Amendment 02-1; and
- Amendment to Historic Resources Preservation Ordinance

- (16) 1:30 **PUBLIC HEARING** - Kemp Mill Sectional Map Amendment (G-795) (Michaelson)
PHED Committee worksession tentatively scheduled for 4/8/02 at 2:00 pm.

1:30 **PUBLIC HEARINGS** on the following Supplemental Appropriations to the County Government's FY02 Operating Budget:

- (17) • Department of Environmental Protection - \$447,460 to implement billing system for Water Quality Protection Charge (Source: General Fund Undesignated Reserves) (Levchenko)
T&E Committee worksession tentatively scheduled for 4/11/02 at 2:00 pm.

- (18) • Economic Development Fund - \$1,000,000 for emergency financial assistance to private companies affected by terrorist attack (Source: General Fund Reserves) (Ferber)
PHED Committee worksession is tentatively scheduled for 4/8/02 at 2:30 pm.

- (19) • Conference and Visitor's Bureau - \$293,370 to implement sales campaign and distribute Hotel/Motel Tax revenues collected in FY01 (Source: General Fund Undesignated Reserves) (Ferber)
PHED Committee worksession is tentatively scheduled for 4/8/02 at 2:30 pm.

- (20) 1:30 **PUBLIC HEARING/ACTION** - Supplemental Appropriation to the County Government's FY02 Operating Budget - \$10,000,000 for Future Federal/State/Other Grants (Source: state/federal and other revenues) (Sherer)

- (21) 1:30 **PUBLIC HEARING/ACTION** - Supplemental Appropriation to the MCPS FY02 Capital Budget and FY01-06 Capital Improvements Program - \$6,000,000 for Relocatable Classrooms (Source: Current Revenue) (Levchenko)
ED Committee recommends 3/18/02.

- (22) 2:00 **INTENSIVE BUDGET REVIEW** - Alcohol, Tobacco, and Other Drug Prevention Programs for School-Age Youth (Orlansky)

- (23) 2:45 **INTENSIVE BUDGET REVIEW** - Park Maintenance (Michaelson/Kimball/Brown)

3:30 **ADJOURN**

COUNCIL MEETINGS

Note: See the IN COMMITTEE for a listing of the Committee meetings currently scheduled.

April 9, 2002	9:00 a.m.	Regular Session
April 16, 2002	9:00 a.m.	Regular Session - Legislative Session
April 23, 2002	9:00 a.m.	Regular Session
April 30, 2002	9:00 a.m.	Regular Session
May 6-17, 2002	9:00 a.m.	Council Budget Worksessions
May 23, 2002		Action - CIP, Capital, and Operating Budgets

PUBLIC HEARINGS

April 4, 2002		
7:00 pm	FY03 Operating Budget	
April 8, 2002		
7:00 pm	FY03 Operating Budget - Montgomery County Public Schools	
April 9, 2002		
1:30 pm	Bill 6-02 , Telecommunications Facility Coordination - Fees and ZTA 02-03, Telecommunications Facilities - Special Exceptions	
1:30 pm	Zoning Text Amendment 02-03, Telecommunications Facilities - Special Exceptions	
7:00 pm	FY03 Operating Budget	
April 10, 2002		
1:30 pm	FY03 Operating Budget	
7:00 pm	FY03 Operating Budget	
April 16, 2002		
7:30 pm	Emergency Bill 8-02 , Fire Safety Code - Inspections - Schools	
April 18, 2002		
7:30 pm	Special Appropriation to the County Government's FY02 Operating Budget, Department of Health and Human Services - \$950,000 for outpatient mental health services (Source: General Funds)	
7:30 pm	Emergency Bill 09-02 , Residential Program for Victims of Domestic Violence	
April 23, 2002		
7:30 pm	Constant Yield Tax Rate; FY03 Solid Waste Service Charges; Emergency Bill 7-02 , Recordation Tax - Rates and Exemption; County Income Tax Rate; FY03 Water Quality Protection Charge	
April 30, 2002		
7:30 pm	Bill 10-02 , Special Capital Improvements Project - Detention Center Reuse	
	Bill 11-02 , Special Capital Improvements Project - Silver Spring Fire Station 1 Replacement/Police Substation	
	Bill 12-02 , Special Capital Improvements Project - Montrose Parkway West	
	Bill 13-02 , Special Capital Improvements Project - Germantown Library	
	Bill 14-02 , Special Capital Improvements Project - Damascus Community Recreation Center	



If persons with disabilities need services or aides to participate in any Council activity, please call 240-777-7900 five days in advance. This agenda is available in an alternative format upon request.

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COUNCIL SEEKS APPLICANTS FOR POSITION OF
CHAIRMAN OF THE MONTGOMERY COUNTY PLANNING BOARD
Deadline Noon, May 31, 2002

The Montgomery County Council is seeking applicants to succeed Arthur Holmes, Jr. as Chairman of the Montgomery County Planning Board. Mr. Holmes' term will expire on June 14, 2002, and he is ineligible for reappointment.

No more than three members of the Planning Board may be from the same political party, and all members must be residents and registered voters of Montgomery County when appointed. Members serve four-year terms and are limited to two full terms. This position can be filled by a Democrat (D), Republican (R), or an Independent (I). Current members are: Arthur Holmes, Jr. Chairman (D), Allison Bryant (R), Wendy Collins Perdue (D), John Robinson (D), and Meredith K. Wellington (R). In appointing a Chairman for the Board, the Council will establish the salary for the Chairman within a range of \$120,000 to \$150,000.

The Planning Board serves as the Council's principal adviser on land use planning and community planning. Planning Board members also serve as Commissioners of the Maryland-National Capital Park and Planning Commission. Some of the Board's responsibilities with regard to planning are: 1) preparation and amendment of the County General Plan; 2) preparation and amendment of the Master Plans and functional plans; 3) formulation of subdivision regulations; 4) preparation of or recommendations on Text Amendments to the Zoning Ordinance; 5) implementation of the subdivision process by reviewing and approving all preliminary plans, site plans, and other plans for development; 6) advice on the planning implication of capital facilities and programs of the County Government, Montgomery College, WSSC and Montgomery County Public Schools; and 7) approval of the work program and the annual operating budget for the Park and Planning Department and Central Administrative Services.

The Planning Board sits as the Park Commission and approves the annual operating budget and Capital Improvements Program for the County park system, land acquisition contracts and major development contracts for parks, development plans for individual park facilities, policies for park operations, and park user fees. These functions require a meeting at least once each month.

The Montgomery County Planning Board meets all day every Thursday. The entire Maryland-National Capital Park and Planning Commission meets the second Wednesday of every month. Two full days a week are spent in meetings. Substantial additional time is required for preparatory work and other activities related to Planning Board responsibilities.

The Chairman's responsibilities are to perform a leadership role with respect to the Montgomery County portion of the Commission as well as to chair the meetings of the Planning Board; to assist in developing overall vision and direction for the Commission; to oversee the functioning of the Montgomery County Planning Board staff; to provide guidance on preparation of budgets by Park and Planning Department staff for presentation to the Board; to represent the Planning Board at official meetings; to present the Planning Board's position, especially before the County Council; and to serve as Chairman or Vice Chairman of the Maryland-National Capital Park and Planning Commission as well as to carry out other customary duties of the office.

Letters expressing interest in being considered for the position, including a resume, should be addressed to Council President Steven A. Silverman and must be **received** in the Council Office, Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland 20850, **no later than noon on Friday, May 31, 2002**. It is the Council's policy not to consider applications received after the deadline. After the May 31 closing date, Councilmembers will review the letters of application and select applicants for interviews to be held in June or July.

The names of all applicants are published and available for public review, and interviews are conducted in public. A resume of professional and civic experience should be included with letters of application. A financial statement of assets, debts, income, and family property interests will be required of all applicants; only the candidate appointed will be required to make the financial statement available to the public.

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COUNCIL AGENDAS WITH ANALYSTS' PACKETS NOW AVAILABLE ON LINE

Following the goings-on in Montgomery County government just got easier.

The Montgomery County Council today announced that agendas for Council sessions and Council committee meetings, complete with Council analysts' packets chock full of details, are now available on-line via the County Council's web site.

"County residents will now have access at their fingertips to the full packet of information that Councilmembers have in making decisions on issues that range from schools and transportation to zoning and county budget choices," said Council President Steve Silverman. "Montgomery County has a long and respected history of citizen involvement. The more information citizens have, the better the feedback for those of us who serve as elected officials."

The packets for individual Council agenda items typically include the text of bills or appropriation requests, analysis by Council staff, and opinions pro and con on the particular items – as well as charts and maps. The materials are generally available on the web at least two days before the Council session or committee meeting.

This improvement comes on the heels of the start of videostreaming of Council sessions via the Council website inaugurated several months ago.

To access the Council agendas and packets on the Internet, go to: www.co.mo.md.us/council. Click on "Agendas and Minutes" and then on "Current Council or Committee Agenda with background materials". You can also access them via the County Government's Intranet: portal:mcgov.org. Click on the "County Council" link and then click on "Council Agenda." To access video or audio streaming, go the same website and click on "Live! Council Sessions."

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Montgomery County Council
Legislative Information Services

Packet Index

Tuesday, April 2, 2002

Item Number	Note	Staff
Agenda Item #2	This item has been deferred.	Cogan
Agenda Item #9	This item will be available on Monday, April 1.	Cogan